APPENDIX IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

VOLUME 1 OF 7

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VIRGIL ADDISON-EADY	:	
	:	
Plaintiff,	:	
	:	**CIVIL ACTION NO.**
v.	:	**04-4392**
	:	
THE PHILADELPHIA PARKING AUTHORITY	:	
	:	
Defendant.	:	

APPENDIX IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT.

Edward L. Ciemniecki
Patrick J. Doran
Attorneys for Defendants

OF COUNSEL:
Pelino & Lentz, P.C.
One Liberty Place
Thirty-Second Floor
1650 Market Street
Philadelphia, PA 19103-7393
(215) 665-1540

TABLE OF CONTENTS

DEPOSITION EXHIBITS	PAGE
D-1: Plaintiff's Response to Defendant's First Set of Interrogatories	APP 1-9
D-2: Letter from Arlene Jones to Virgil Addison dated April 8, 1991	APP 10
D-3: Acknowledgment dated January 28, 1992	APP 11
D-4: Employee Handbook dated May, 1992	APP 12-46
D-5: 2000 Employee Handbook Acknowledgment	APP 47
D-6: Philadelphia Parking Authority Employee Handbook	APP 48-98
D-7: Philadelphia Parking Authority Position Description, Parking Enforcement Officer	APP 99-100
D-9: Philadelphia Parking Authority Employee Report dated December 12, 1996	APP 101
D-13: Employee Report dated February 26, 2003 . . .	APP 102
D-14: Philadelphia Parking Authority Employee Report dated February 26, 2003	APP 103
D-15: Stokes Incident Report dated March 5, 2003 . .	APP 104
D-16: Wooden Incident Report dated March 6, 2003 . .	APP 105
D-17: Starks Statement dated March 11, 2003	APP 106
D-18: Letter from Edward S. Thornton to Ann Cohen dated March 21, 2003	APP 107-108
D-19: Complaint in Addison-Eady v. PPA, No. 200302215 (PHRC), dated November 2, 2003	APP 109-111
D-20: Complaint in Addison-Eady v. PPA, No. 04-4392 (E.D.Pa.), dated September 17, 2004	APP 112-118
D-21: Letter from Richard D. Dickson, Jr. to Ann Cohen dated March 31, 2003	APP 119-121
D-22: Letter and Grievance Form from Ann Cohen to Reverend William B. Moore dated April 2, 2003 . .	APP 122-123
D-23: Letter from Ann Cohen to Virgil Addison-Eady dated May 28, 2003	APP 124
D-24: Letter from Virgil Addison-Eady to Ann Cohen regarding June 9, 2003 meeting	APP 125
D-25: Letter from Ann Cohen to Virgil Addison-Eady dated July 1, 2003	APP 126

D-26: Letter from Arlene Jones to Virgil Addison-Eady dated October 16, 2001 . . . . APP 127

D-27: Letter from Edward S. Thornton to Fred Cummings dated January 17, 2002 . . . . APP 128-129

D-28: Complaint in Addison-Eady v. PPA, No. 200203014 (PHRC) dated September 16, 2002 . . . . . . APP 130-134

D-29: Addison-Eady Union Petition re night shift assignment . . . . APP 135-136

D-30: Letter from Addison-Eady to Pete Matthews dated July 8, 2002 . . . . APP 137

D-31: Letters from PennDOT to Addison-Eady dated March 1, 1996 . . . . APP 138-140

D-32: Letter from PennDOT to Addison-Eady dated April 25, 2001 . . . . APP 141

D-33: Letter from PennDOT to Addison-Eady dated October 10, 2001 . . . . APP 142-143

D-34: Letter from PennDOT to Addison-Eady dated February 25, 2003 . . . . APP 144-146

OTHER DOCUMENTS

Arbitration Award dated December 9, 2000 . . . . . . APP 147-172

PPA License Status Report . . . . APP 173-202

Complaint in Addison-Eady v. PPA, No. PERA-C-02-381-E (PLRB) dated August 9, 2002 . . . . APP 203-205

PPA's Response in Addison-Eady v. PPA, No. PERA-C-02-381-E (PLRB) . . . . APP 206-208

PPA's Response in Addison-Eady v. PPA, No. 200203014 (PHRC), with exhibits . . . . APP 209-220

Letter from Homer C. Floyd, PHRC Executive Director dated April 16, 2003, dismissing 2002 PHRC Charge . . . . APP 221

PPA's Answer in Addison-Eady v. PPA, No. 04-4392 (E.D.Pa.) . . . . APP 222-229

PPA's Supplemental Response to Plaintiff's Interrogatory Nos. 5 and 6 . . . . APP 230-243

PPA's Supplemental Response to Plaintiff's Requests for Production of Documents . . . . APP 244-246

PPA's Response to Plaintiff's Second Set of Interrogatories and Requests for Production of Documents, with attachments . . . . APP 247-310

DEPOSITION TESTIMONY

Virgil Addison-Eady dated February 28, 2005 . . . . . APP 311-354

Richard D. Dickson dated February 16, 2005 . . . . . APP 355-364

Vincent J. Fenerty, Jr. dated February 16, 2005 . . . APP 365-371

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VIRGIL ADDISON-EADY,
Plaintiff,

v.

PHILADELPHIA PARKING AUTHORITY,
Defendant.

Civil Action No. 04-4392

PLAINTIFF'S RESPONSE TO DEFENDANT'S FIRST SET OF INTERROGATORIES

Plaintiff hereby responds to Defendant's first set of interrogatories as follows.

1. Identify the "supervisor" referenced in Paragraph 9 of your Complaint, describe when, where and how you notified this person that your "driving privileges had been suspended" and identify all documents and communications which refer or relate to this notification.

Answer: Plaintiff notified the following individuals that his driving privileges had been suspended. Each individual was, at the time of the notification, acting as Plaintiff's supervisor. Each was notified verbally by Plaintiff. Except as noted below, Plaintiff has no record of precisely when or where he made such notifications. Plaintiff made notification to: (1) Linda Cramer, Plaintiff's supervisor while he was assigned to day shift and worked in the general vicinity of Erie Avenue and Broad Street; (2) Pat Davis, Plaintiff's supervisor while he was assigned to night shift; (3) Barbara Dexter, served as a fill-in supervisor of Plaintiff while he was assigned to night shift -- Plaintiff specifically recalls being asked by Ms. Dexter, while both were at a pizza parlor on South Street, why he was walking his route and Plaintiff responded by informing her that his driving privileges had been suspended; (4) Elijah Wooden, Plaintiff's supervisor after he had been reassigned to day shift – Plaintiff specifically recalls informing Mr. Wooden that he could not drive when Mr. Wooden suggested that he would assign a car to be driven by Plaintiff. Documents

DEFENDANT'S EXHIBIT 1

which "refer or relate" to the aforementioned notifications include an "Incident Report" dated 3/6/03 signed by Elijah Wooden, typewritten notes dated 3/11/03 and signed by "D.Starks," and correspondence from Richard D. Dickson, Jr., to Ann Cohen dated 3/31/03 (acknowledging that Barbara Dexter "testified that Mr. Addison-Eady told her he did not have a license").

2. Identify all persons with knowledge that you "notified [your] supervisor that [your] driving privileges had been suspended," as referenced in Paragraph 9 of your Complaint.

Answer: See answer to interrogatory #1, supra.

3. Identify all PPA employees, including by name and race, who you contend PPA did not terminate despite failure to maintain a valid driver's license or a "more serious driving-relating [sic] offense," as alleged in Paragraph 15 of your Complaint.

Answer: (1) Richard D. Dickson, Jr. – caucasian;
(2) Charles Howell – African-American;
(3) Valerie Davis -- African-American;
(4) Nick Antonio -- caucasian;
(5) Maureen Kelly -- caucasian;
(6) Iris Hinton -- African-American;
(7) Ed Henes -- caucasian;
(8) Yesenia Gonzalez -- Hispanic;
(9) Darryl Muchinson – African-American;
(10) Dwayne Davis -- African-American;
(11) Annette Shadding – African-American;
(12) Lucy Santiago -- Hispanic;
(13) Celeste Brunson -- African-American;
(14) Joe Collins -- caucasian;
(15) Joe Norton – caucasian.

4. Identify every person whom you expect to call as an expert witness at the trial of this lawsuit and, separately for each such expert, describe the expert's qualifications; identify any publications authored by the expert; and state the full caption of each and every case, arbitration proceeding and administrative proceeding in which such expert has testified at trial or deposition, or prepared a report as an expert witness, in the past ten years.

> **Objection:** This interrogatory requests information which is privileged from disclosure pursuant to the attorney work-product doctrine. By way of further response, Plaintiff intends to make appropriate disclosure of the identity of any prospective expert witness(es) in this matter at the time(s) required by, and to the extent mandated by, the Federal and/or Local Rules of Civil Procedure, as well as any scheduling order issued in this matter.

5. For each expert identified in the preceding Interrogatory, describe and state the grounds for the facts and opinions to which such expert is expected to testify and which were considered by or informed each such expert; identify all documents upon which each expert is expected to rely or which is expected to be offered into evidence through each expert; and describe all materials which were supplied to each such expert in connection with the expert's engagement in this matter.

Response: See objection to interrogatory #4, supra. By way of further response, Plaintiff will make all appropriate disclosures relating to expert witnesses at the times required the Rules of Court and/or scheduling order.

6. Identify each and every person whom you expect to call as a witness at the trial of this lawsuit and, separately for each such person, describe in detail the subject matter to which each such person is expected to testify.

Objection: This interrogatory requests information which is privileged from disclosure pursuant to the attorney work-product doctrine. By way of further response, Plaintiff intends to make appropriate disclosure of the identity of any prospective witness(es) in this matter at the time(s) required by, and to the extent mandated by, the Federal and/or Local Rules of Civil Procedure, as well as any scheduling order issued in this matter.

7. Identify every document you expect to introduce into evidence at the trial of this lawsuit.

Objection: This interrogatory requests information which is privileged from disclosure pursuant to the attorney work-product doctrine. By way of further response, Plaintiff intends to make appropriate disclosure of the identity of any prospective exhibits in this matter at the time(s) required by, and to the extent mandated by, the Federal and/or Local Rules of Civil Procedure, as well as any scheduling order issued in this matter.

8. Identify and describe all communications by any representative of PPA which you expect to introduce into evidence at trial, including, but not limited to, any admissions or statements against interest allegedly made by PPA.

Objection: This interrogatory requests information which is privileged from disclosure pursuant to the attorney work-product doctrine. By way of further response, Plaintiff intends to make appropriate disclosure of the information requested at the time(s) required by, and to the extent mandated by, the Federal and/or Local Rules of Civil Procedure, as well as any scheduling order issued in this matter.

9. Identify your educational and employment history, including but not limited to a description of all jobs held by you from the age of 18 to the present, including each and every employer, dates of employment, job title or position, job duties, location of employment, and applicable salary, wages, tips or commissions.

Response: Plaintiff is a graduate of Olney High School. He has been employed as follows (employment listed in chronological order, up to employment by Defendant):
Avenue Supermarket, 3500 block of Germantown Avenue. Part-time work during high school.
Self-employed, operated a steak shop for several years, located at 1100 Rising Sun Avenue.
Truck driver, employed by a wholesaler of canned goods (Plaintiff does not recall employer's name), for approximately 1 year, full-time.
Temple University, worked for 3-5 years in the housekeeping department, full-time.
Self-employed, working as a sub-contractor installing cable TV lines in homes. Piece-rate work.

10. Identify all documents or communications which refer or relate to your work performance during your employment at PPA, including but not limited to any criticism, complaint, evaluation, review or disciplinary action.

Response: True and correct copies of all responsive documents within the custody or control of Plaintiff are included in Plaintiff's response to Defendant's request for production of documents.

11. Identify, describe and quantify all damages which you claim to have suffered as a result of PPA's conduct, including but not limited to loss of earnings, earnings power, front pay, back pay and/or benefits, pain and suffering, embarrassment, humiliation, mental anguish, emotional suffering and loss of life's enjoyment, and identify all documents which refer or relate thereto.

Response: Plaintiff seeks damages for the economic harm caused to him by Defendant, in the form of lost earnings, both past and future. Quantification of such damages may be calculated on the basis of Plaintiff's past and prospective future earnings with Defendant (all such information is within the possession of Defendant), as well as Plaintiff's interim earnings (information supplied in response to interrogatory #16, below). The length of Plaintiff's entitlement to front pay is an issue to be decided by the jury; should Plaintiff retain an expert to provide an opinion as to the length of his front pay, appropriate disclosures will be made. Plaintiff also seeks damages for attorney fees and costs, which are ongoing and accruing. Finally, Plaintiff also seeks damages which are not quantifiable except by the jury, for the emotional upset caused to him by Defendant's unlawful conduct, as well as such punitive damages as may be awarded by the jury and/or court.

12. Have you sought treatment or counseling for the "humiliation, embarrassment and emotional suffering" you allege that you have suffered in Paragraph 18 or the Complaint? If so, identify all such treatment or counseling.

Response: No.

13. Identify all persons with knowledge of the humiliation, embarrassment and emotional suffering you allege in Paragraph 18 of the Complaint.

Response: Plaintiff.

14. Identify all health care professionals or providers from whom you have sought and/or received medical or health care services at any time in your life, including but not limited to physicians, psychologists, psychiatrists, counselors and therapists.

Objection: This interrogatory is sweepingly overbroad and is not calculated to lead to the discovery of admissible evidence.

15. Identify all efforts you have made to obtain employment since the termination of your employment at PPA, including but not limited to a specific identification of all jobs for which you have applied, all solicitations for employment you have made, all classified advertisements for jobs to which you have responded, all job interviews which you have attended, and all vocational training, counseling or assistance in which you have participated, and identify all documents which refer or relate thereto.

Response: Plaintiff was on "IOD" (injured on duty) status at the time of his termination, and was unable to work. (A workers' compensation claim against Defendant is currently pending.) He began working upon being cleared to work by his doctor, on or about February 17, 2004. Since that time he has performed manual labor on a part-time basis for Z.L. Patterson, an individual who owns a septic business, in Quentin Township, N.J. He has earned approximately $300 per week from that employment.

16. Identify all income you have earned through any employment, labor or other services rendered by you since the termination of your employment at PPA, including by the date, source and nature of work, the amount of income you earned, and the identity of the payor, and identify all documents which refer or relate thereto.

Response: See response to interrogatory #15, above.

17. Have you filed any charges or complaints with any court, administrative agency or other tribunal alleging unlawful employment practices by any employer other than PPA? If so, identify the employers and all documents relating to such charges or complaints.

Response: No.

Responses submitted by

FREEDMAN AND LORRY, P.C.

By: [signature]

WILLIAM H. HALLER
Attorney I.D. No. 63003
400 Market Street, Suite 900
Philadelphia, PA 19106-2509
(215) 931-2560

Attorneys for Plaintiff

Dated: 1/27/05

DECLARATION

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the information provided in the foregoing answers to interrogatories is true and correct.

Executed on ____________

VIRGIL ADDISON-EADY

PPA
Philadelphia
Parking
Authority
Suite 800
Two Penn Center Plaza
Philadelphia, PA 19102
(215) 563-7670

April 8, 1991

Mr. Virgil Addison
3429 Old York Road
Philadelphia, PA 19140

Dear Mr. Addison:

You have been scheduled for an orientation and examination for the position of Parking Enforcement Officer. Should you pass the test with a minimum score of seventy you will be interview the same day. You are to report to the Philadelphia Parking Authority at Suite 800, Two Penn Center Plaza, on Tuesday, April 16, 1991 at 9:30 a.m.

In order to be considered for this position you must possess a valid driver's license. Bring your driver's license with you when you report for the examination. You will not be permitted to take the test without it.

Please bring this letter with you. It will be your admission to take the test.

Should you have any questions please feel free to call DuWan Moore at 563-7670.

Sincerely yours,

Arlene Jones

Arlene Jones
Director of Personnel

DEFENDANT'S EXHIBIT
2
2-28-05 SLS

APP 10

PPA 1

I acknowledge that I have read and understand the information contained therein, and that it is my responsibility as an employee of the Philadelphia Parking Authority to comply with the work rules, procedures and policies of the Philadelphia Parking Authority.

EMPLOYEE SIGNATURE

POSITION

DATE OF SIGNING

RECEIVED BY:

IMMEDIATE SUPERVISOR

1-28-92
DATE RECEIVED

DATE RECEIVED BY
PERSONNEL DEPARTMENT

cc: Employee Personnel File
Supervisor
Employee

DEFENDANT'S EXHIBIT 3
2·28·05 SLS

EMPLOYEE HANDBOOK
PERSONNEL POLICIES AND PROCEDURES

PHILADELPHIA PARKING AUTHORITY
2 PENN CENTER PLAZA
PHILADELPHIA, PA 19102

MAY 1992

DEFENDANT'S EXHIBIT
4

CONTENTS

I. PURPOSE OF EMPLOYEE HANDBOOK 1

II. HISTORY OF PHILADELPHIA PARKING AUTHORITY 1

III. GENERAL POLICIES 2
A. Equal Employment Opportunity 2
B. Sexual Harassment 2

IV. DEFINITIONS 3

V. TIME AND ATTENDANCE 5
A. Time 5
B. Attendance 6
C. Overtime and Compensatory Time 6
D. Absence without Leave 7

VI. TYPES OF LEAVE 8
A. Sick Leave 8
B. Medical Appointments 9
C. Vacation 9
D. Holidays 10
E. Funeral/Bereavement Leave 11
F. Administrative Leave 11
G. Military Leave 11
H. Jury Duty 12
I. Court Appearance 12
J. Personal Leave without Pay 12
K. Medical Leave without Pay 13
L. Injury on Duty 13

VII. FRINGE BENEFITS 15
A. Medical Insurance 15

B. Life Insurance 16
C. Disability Insurance 16
D. Pension 16
E. Employee Assistance Program 17
F. Tuition Reimbursement 17
G. In-Service Training 18
H. Federal and State Benefit Programs 18

VIII. GENERAL PERSONNEL PROCEDURES 18
A. Personal Information 18
B. Privacy Act Protection 18
C. Performance Evaluations 19
D. Promotion 19
E. Disciplinary Action 19
F. Grievances 22
G. Separation 22

IX. PERSONAL CONDUCT 23
A. Safety 23
B. Vehicle Use 24
C. Dress and Appearance 25
D. Solicitations 25
E. Political Activity 26
F. Unauthorized Use of PPA Resources 26
G. Statements to the Press 26
H. Interaction with Public 26
I. Other Personal Conduct 27
J. Bulletin Boards 27
K. Smoking Policy 27
L. Employee Suggestions 27
M. Employee Social Activities 28
N. Contact with Vendors 28
O. Whistleblower Protection 28

I. PURPOSE OF EMPLOYEE HANDBOOK

This employee handbook replaces all previous handbooks and personnel policy and procedures manuals.

The language in this **Employee Handbook** is intended to clarify the conditions of employment at the Philadelphia Parking Authority (PPA). Employees shall include anyone hired by the PPA, but does not include vendors or subcontractors employed for specific purposes.

The handbook is intended to deal with most situations. It is not intended to be a contract; it is a guide and an information source. The rules and policies contained herein are subject to change at any time and without prior notice. Such changes may be in the form of additions, deletions, or amendments to this handbook, or in the form of executive orders and directives which will be distributed to the staff.

This handbook describes the employment policies and procedures which apply to employees who are not represented by one of the several bargaining units which represent certain employee groups. Collective bargaining unit employees should refer to their union contracts. In cases where the specific subject is not governed by contract, this handbook applies to members of that bargaining unit.

PPA recognizes that high employee morale and a positive work environment are extremely important to the smooth and productive operation of the Parking Authority. Suggestions from employees at all levels are welcomed.

II. HISTORY OF PHILADELPHIA PARKING AUTHORITY

Following World War II, the construction of the Interstate Highway System and the development of the suburbs led to a sharp increase in the number of motor vehicles entering Philadelphia and cities like it. In 1947, responding to increased traffic congestion and the potential danger to the welfare of its citizens, the Pennsylvania General Assembly passed the Parking Authority Law, which paved the way for Philadelphia's City Council, in 1950, to create the Philadelphia Parking Authority. Among the initial functions of the PPA were the issuance of bonds to finance parking structures, the construction and operation of off-street parking facilities, and data collection and analysis of parking problems.

In 1983, the PPA's functions were expanded considerably when the City assigned to PPA the responsibility for administration and enforcement of the City's on-street parking program. Today, PPA oversees a coordinated program of parking regulations, meters, ticketing, towing, and booting, that is a model for parking agencies around the world. PPA also owns six downtown garages, operates a number of parking lots around the city, and manages parking at Philadelphia International Airport and the Philadelphia Sports Complex.

PPA describes its mission as:

Providing service to the people of Philadelphia and supporting the economic development of the city by:

- Contributing to the improvement of traffic flow,
- Developing and managing an optimal supply of reasonably-priced off-street parking, and
- Regulating the use of on-street parking.

III. GENERAL POLICIES

A. Equal Employment Opportunity

The Philadelphia Parking Authority is an Equal Opportunity Employer. It is PPA policy to provide equal opportunity in employment, promotion, wages, benefits, and all other privileges, terms, and conditions of employment in compliance with all applicable local, state, and federal laws and regulations.

PPA will not discriminate on the grounds of race, religion, color, national origin, gender, sexual preference, age, veteran status, marital status, or non-job-related physical or mental disabilities.

The Director of Personnel is the Equal Employment Opportunity Officer at PPA and is responsible for the overall EEO program.

B. Sexual Harassment

The PPA will not tolerate any form of sexual harassment. Employees who are found to have sexually harassed another employee or, while representing the PPA, a member of the public, will be subject to disciplinary action which may include dismissal.

Any employee who is subjected to sexual harassment by a fellow employee should immediately report the incident to her/his supervisor or to the Director of Personnel. Such a report shall be handled on a completely confidential basis, and no employee making a sexual harassment report will suffer retaliation for making such a report. However, an employee who willfully makes a false report of sexual harassment will be subject to disciplinary action which may include dismissal.

The Equal Employment Opportunities Commission guidelines define sexual harassment as "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct by an individual is made explicitly or implicitly a term or condition of employment;
- Submission to, or rejection of such conduct by an individual is used as the basis for individual employment decisions;
- And such conduct has the purpose or effect of interfering with the individual's work performance, or creates a hostile or intimidating environment."

IV. DEFINITIONS

Permanent employees are those who are hired for an indeterminate period of time, with the expectation that they will remain employees of the PPA indefinitely, assuming that their performance is satisfactory. The term **permanent** is not to be used to represent any sort of entitlement to continued employment; permanent employees may be terminated for cause, may be laid off, or may have their positions eliminated at management discretion.

Temporary employees, whether part-time or full-time, are employees hired on a temporary basis to fulfill a specific short-term need. Temporary employees earn no benefits.

Occasional employees are employees such as flaggers and pool cashiers, who are hired to perform specific duties on an irregular basis, do not work a regularly scheduled number of hours per week, and are not covered by any union contract.

Occasional employees earn no benefits, and their work time is not credited toward earned leave benefits or seniority.

Bargaining unit full-time employees are full-time employees who are scheduled to work at least 37½ hours per week, and whose positions are covered by union contracts. These employees earn benefits as specified in the applicable contracts.

Bargaining unit part-time employees are permanent part-time employees who are covered by contract with Local 700, and who are scheduled for 24 or more hours per week, or as defined by contract. These employees earn benefits as specified in the applicable contract.

Non-represented full-time employees are permanent full-time employees who are scheduled to work at least 37½ hours per week and whose positions are not covered by union contracts. These employees earn benefits as described in this handbook. They are also often called Administrative employees.

Non-represented part-time employees, are permanent part-time employees, such as some cashiers and weekend managers, who regularly work less than 37½ hours per week, and are not covered by any union contract. Non-represented permanent part-time employees earn no benefits.

Pay Status, which is used to determine whether, for example, an employee will be paid for a holiday, includes any status for which the employee is paid, whether or not the employee is at work. For example, an employee who is on sick leave is in pay status. An employee who is out without pay, whether the absence is authorized or not authorized, is not in pay status.

Start Date is the first day of permanent part-time or permanent full-time work.

Adjusted Seniority Date is the date used to calculate the accumulation of benefits such as vacation leave and longevity pay. It may differ from start date because the employee had an unpaid absence of 15 work days or more or because a permanent part-time employee became a full-time employee.

Continuous Employment is defined as starting on the initial day of employment as a full-time employee (or on the adjusted seniority date in the case of permanent part-time employees who become full-time), and continuing to the date of retirement, resignation, or other termination, except that unpaid absences of

15 consecutive working days or more shall be counted as interruptions of continuous employment. Service immediately following an approved leave without pay shall be considered a continuation of the service immediately preceding it. An **adjusted seniority date** shall be calculated upon the employee's return from such an absence.

Part-time permanent employees who become full-time employees shall receive, for the purposes of calculating vacation time and longevity pay, credit for their part-time work. This credit shall be applied to the employee's start date as a full-time employee, and shall give the employee credit for one-half of the time s/he spent as a part-time permanent employee. An **adjusted seniority date** shall be calculated at the time of full-time employment for each such employee.

Increment Period is the period that an employee spends at a salary level in a particular position before becoming eligible for an increment. The increment period is one year for non-represented employees. The employee may receive a promotion to another position or a merit increase within the same position before the end of the increment period.

Increment means the increase in salary that an employee may receive, if qualified, at the end of the increment period. Most positions have a five-step salary scale; employees move, if qualified, from one step to the next until they reach the top of the scale. There are no more increments once the employee reaches the top of the scale. The employee must receive a satisfactory evaluation for her/his job performance during the increment period in order to qualify for the increment.

Increment date is the date on which an employee is scheduled, if qualified, to receive an increment, usually one year from the last increment. An **adjusted increment date** will be calculated if the employee has a break in service (see **continuous employment**, above) of 15 consecutive working days or more. If an employee is promoted, the increment date is changed to one year from the effective date of the promotion, because the employee begins a new increment period.

V. TIME AND ATTENDANCE

A. Time

PPA administrative hours are from 8:30 a.m. to 5:00 p.m., Monday through Friday. Some operations, including Communications and Security, operate 24 hours a day, seven days a week.

Administrative (non-represented) employees work 37½ hours per week. These employees are entitled to one unpaid meal period of one hour, and two 15-minute breaks each day, one before and one after the meal period.

Employees assigned to an 8:30 a.m. to 5:00 p.m. workday may not begin their lunch period before 11:30 a.m. or end their lunch period after 2:00 p.m. without authorization from their immediate supervisor or department head.

Security Department and Communications Branch employees must adhere to the work schedule assigned by their department head.

There are no authorized smoke breaks in addition to the breaks described above. Supervisors may, at their discretion, require employees to report out for breaks.

B. Attendance

All employees are required to sign in and out each day on the official time sheet, or to punch in and out on the time clock. Employees who fail to sign in and out or punch in and out may not be paid for such time. Any employee who deliberately falsifies time sheets or time cards for her/himself or for another employee will be subject to disciplinary action which may result in dismissal.

All employees are expected to maintain standards of regular attendance and punctuality. Employees who are tardy may be docked for lateness, at the discretion of their immediate supervisor. An employee who is not habitually late may be excused by her/his immediate supervisor. Habitual lateness or unexcused absence may result in disciplinary action including dismissal.

C. Overtime and Compensatory Time

Overtime for non-represented employees who are "non-exempt," as defined by the Fair Labor Standards Act (FLSA), is allowed in accordance with FLSA. Non-represented employees who work overtime with prior approval are entitled to remuneration in the form of overtime pay or compensatory ("comp") time off. PPA reserves the right to determine whether an employee shall receive overtime pay or comp time.

Prior approval for overtime or comp time must be obtained from the appropriate Deputy Executive Director, unless the overtime or comp time is required in response to an emergency situation, such as snowfall or equipment failure.

Executive, professional, and certain administrative employees are considered exempt from FLSA, and do not earn overtime or comp time. These categories of employees are defined by the Fair Labor Standards Act as follows:

Executive. Senior level management personnel who supervise two or more people, spend at least 80% of their time in managerial functions, and are paid on a salary basis.

Professional. An employee who performs work that is intellectual and varied in nature, possesses an advanced degree in an accepted professional field such as law, accounting, or architecture, and who must be paid on a salaried basis.

Administrative. Employees who do not necessarily supervise two or more employees but who spend at least 80% of their time performing managerial functions with no or limited supervision and are salaried.

Employees who are not managerial, professional, or administrative as defined above may annually accrue 240 hours compensatory time at the rate of 1½ hours earned for each overtime hour worked. No more than 120 hours of compensatory time may be carried forward from one calendar year to the next, unless approved by the appropriate Deputy Executive Director.

D. Absence without Leave

An employee who fails to report for duty in accordance with her/his work assignment, and fails to contact her/his immediate supervisor will be considered to be Absent Without Leave (AWOL), and will be subject to discipline or discharge.

An employee who is Absent Without Leave for three consecutive work days will be considered to have abandoned her/his position, and will be terminated from that position without additional notice.

VI. TYPES OF LEAVE

A. Sick Leave

Non-represented full-time employees earn sick leave at the rate of 20 days per year. Sick leave may be taken in increments of ½ hour. Sick leave is earned from the first day of employment, but may not be used during the first 30 calendar days of employment. Sick leave is normally accrued at the end of each calendar month, and may not be taken before it is accrued.

Sick leave may be carried forward from one calendar year to the next. Once each year, employees may convert unused sick leave in excess of 600 hours to vacation leave, to a maximum of 20 days sick leave converted in any one calendar year. The conversion ratio is two sick hours convert to one vacation hour. The conversion period is January 1 - March 31. The employee must have a balance of at least 600 hours sick leave after the conversion.

Sick leave may be used only when illness prevents the employee from reporting for work. Sick leave may not be used for vacation or personal errands. PPA reserves the right to verify that the employee is either at home or seeking treatment.

Employees who work an 8:30 a.m. - 5:00 p.m. day must notify their immediate supervisor of their absence due to illness no later than one hour after their regular starting time on the first day of their absence. Employees who work other shifts must follow the established procedure for their department. Notification should include the expected length of absence. A medical certificate is required for any sick leave of more than two consecutive work days, and must be presented to the employee's immediate supervisor upon the employee's return to work. An employee who must be absent for more than 10 days, because of authorized sick leave, must submit a medical certificate during each pay period, which may be mailed to the employee's supervisor.

Employees who abuse sick leave may be disciplined by the PPA up to and including dismissal. Employees may be placed on a list known as an "Excessive Use of Sick Leave List" for one year if eight or more sick leave days are taken in a consistent pattern, such as before and after holidays or before and after weekends. While an employee is on the "Excessive Use of Sick Leave List" s/he must submit a medical certificate for *every* use of sick leave of one day or more, and no certificate may cover more than five work days.

Employees who use no sick leave in a calendar year will be awarded two additional administrative leave days (see **Administrative Leave**, Section VI.F). Employees who use three or fewer sick leave days during a calendar year will be awarded one additional administrative leave day. Bonus administrative leave days must be taken by the end of the calendar year in which they are awarded, or will be considered forfeited. Employees who begin employment later than the 1st of the calendar year, and employees who are on unpaid leave of absence, including disability leave, of more than 15 consecutive work days during any part of the calendar year, are not eligible for bonus administrative leave days for that year.

B. Medical Appointments

Medical appointments should not be scheduled during work hours. However, should an employee be required to keep a medical appointment during the regular work day, the employee may be permitted to take two hours of uncharged leave, providing that a doctor's note is submitted with the time sheet for that day. The right to use uncharged time for medical appointments is limited to 12 occurrences per calendar year. For employees who do not work the full calendar year, entitlement to uncharged medical appointments is prorated accordingly. For medical appointments beyond the annual allotment, the employee's personal time must be used. The use of sick leave for medical appointments is permitted.

C. Vacation

Non-represented employees earn vacation time based on their length of continuous employment with the PPA as follows:

One month to five years	10 days per year
Over five years to 10 years	15 days per year
Over 10 years to 20 years	20 days per year
Over 20 years	25 days per year

Vacation may be used in ½ hour increments. Vacation leave may not be used before six months of employment, unless otherwise authorized in writing by the employee's department head. Vacation leave is normally accrued at the end of each calendar month, and may not be taken before it is accrued.

Employees may accumulate vacation from one calendar year to the next, but may not carry more than 70 days of vacation forward to the next calendar year.

Requests for vacation leave must be approved by an employee's immediate supervisor. In the event of conflicting requests for the same vacation period, the supervisor will grant leave based upon the needs of the unit.

D. Holidays

Regular full-time employees receive 14 paid holidays per year, as follows:

New Year's Day
Martin Luther King, Jr. Day
Lincoln's Birthday
Washington's Birthday (observed)
Good Friday
Memorial Day (observed)
Flag Day
Independence Day
Labor Day
Columbus Day (observed)
General Election Day
Veterans Day
Thanksgiving Day
Christmas Day

If a scheduled holiday falls on a Sunday, the following Monday is observed. If a scheduled holiday falls on a Saturday, the previous Friday may be observed, or the holiday may be declared a "floating holiday." If the holiday is declared a floating holiday, employees work the Friday before the Saturday holiday, but may take another day off. Floating holidays must be used within one calendar year of the actual holiday.

An employee who is required to work on a scheduled holiday or its observance will be credited with a "Holiday Comp" day to compensate for having to work the holiday. Holiday Comp days must be used within one calendar year of the actual holiday.

An employee will not be paid for a holiday if the employee is not in pay status on both the day before and the day after the holiday.

E. Funeral/Bereavement Leave

An employee is entitled to four days funeral/bereavement leave for the death of a member of the employee's immediate family, whether residing with the employee or not, and for the death of the employee's relative residing in the employee's home.

Immediate family includes the employee's mother, father, sister, brother, spouse or spouse equivalent, son, or daughter. Relative includes the employee's grandparent, aunt, uncle, niece, nephew or cousin, or the immediate family member or relative (as defined above) of the employee's spouse or spouse equivalent.

An employee is entitled to one day funeral/bereavement leave for the death of a relative not living with the employee, provided that sufficient proof of the relationship and the death is presented to the employee's immediate supervisor.

F. Administrative Leave

Permanent full-time employees are awarded three administrative leave days on July 1 of each year. They must be used by June 30 of the following calendar year, or they will be forfeited.

Employees who begin employment with the PPA between April 1 and April 30 receive only two administrative leave days upon hiring, and employees who begin employment between May 1 and May 31 receive one administrative leave day upon hiring. Employees hired after May 31 receive no administrative leave days upon hiring. All employees hired after April 1 will, of course, receive three administrative leave days the following July 1.

Administrative leave days must be taken in full day increments, and may not be used during the first thirty days of employment.

G. Military Leave

Any employee who is a member of the Reserve Corps or of the National Guard and is required to be on active duty or on active duty for training, shall receive military leave with pay for a period not to exceed 15 work days per year.

The employee must remit her/his military pay for that period to the PPA in order to receive this benefit.

A copy of the employee's military orders must be submitted to the immediate supervisor before the military leave is granted.

During the military leave, all employee benefits will continue as though the employee were not on leave, and the employee will be restored to full employment upon return to civilian status.

H. Jury Duty

Employees are encouraged to fulfill their obligations with regard to jury duty and will be granted leave with pay in order to serve. To be paid by the PPA for the time spent on jury duty, the employee must provide the Time Control Unit with a copy of the jury summons and must remit to PPA the check received for jury service.

I. Court Appearance

An employee who is subpoenaed as a witness or a party to any PPA-related court action will be considered to be at work for the period such appearance requires.

An employee who is required to appear in court for any non-PPA-related court action must do so on her/his own time, unless leave with pay is authorized in writing by the appropriate Deputy Executive Director.

J. Personal Leave without Pay

An employee may request personal leave without pay of up to 90 days. The request must be made in writing through the employee's department head, and must be approved by the appropriate Deputy Executive Director. Personal leave without pay will be granted only in serious circumstances, and may be extended beyond 90 days only by the Executive Director.

If the period of personal leave without pay exceeds 15 consecutive work days, all employee benefits, including health insurance, life insurance and disability insurance, will be discontinued, and no sick leave or vacation will be accrued, nor time credited towards earned leave benefits or seniority, during the leave period. The employee may elect to continue health insurance coverage by paying the premium directly to the PPA under the COBRA law.

An employee is guaranteed either the same or a comparable position upon return from personal leave without pay, if such leave was properly requested and approved.

K. Medical Leave without Pay

An employee may request medical leave without pay of up to 90 days. The request must be made in writing through the employee's department head, and must be accompanied by documentation from the employee's medical provider. All requests for medical leave without pay must be approved by the appropriate Deputy Executive Director. Medical leave without pay may be extended beyond 90 days only with the approval of the Executive Director.

If the period of medical leave without pay exceeds 15 consecutive work days, all employee benefits, including health insurance, life insurance and disability insurance, will be discontinued, and no sick leave or vacation will be accrued, nor time credited towards earned leave benefits or seniority, during the leave period. The employee may elect to continue health insurance coverage by paying the premium directly to the PPA under the COBRA law.

An employee is guaranteed either the same or a comparable position upon return from medical leave without pay, if such leave was properly requested and approved.

L. Injury on Duty

Any injury while on duty, no matter how minor, should be reported within 24 hours of its occurrence.

An employee who is seriously injured while on duty should report the injury immediately. If the situation requires it, the employee will be taken for emergency medical treatment. Non-emergency injuries will be referred to the appropriate PPA medical provider.

Employees who are injured at work are covered by Pennsylvania's Workers' Compensation laws. All injuries will be reported to the PPA's Workers' Compensation insurance carrier. The claim will be reviewed by the PPA's insurance carrier, and a determination will be made as to whether the employee is eligible to receive Workers' Compensation benefits. Injuries which result in fewer than seven days lost from work are not eligible for Workers' Compensation lost time benefits.

Any employee who is found to have submitted a fraudulent injury report will be discharged from PPA employment.

Non-represented employees may elect to use earned leave time while awaiting the determination of eligibility for Workers' Compensation benefits. If the employee uses all of her/his accrued leave time, s/he will be carried on Leave Without Pay until the determination is made.

If the determination is made that the employee is *not* eligible for Workers' Compensation benefits, the employee has the right to file an appeal.

If the determination is made that the non-represented employee is eligible for Workers' Compensation benefits, an initial payment will be made to the employee for an amount representing two-thirds (⅔) of the employee's base pay for the period between the injury and the date of the determination of eligibility, up to the State-mandated maximum, which changes on January 1 of each year. The employee receiving this initial payment is required to reimburse the PPA for paid leave time used while awaiting the determination. When this reimbursement is made, ⅔ of the employee's leave time used will be restored. Failure to reimburse the PPA will result in disciplinary action which may result in a money judgment, or dismissal, or both.

After the initial payment, the non-represented employee will continue to receive Workers' Compensation checks directly from the insurance carrier for the duration of eligibility. Employees should be aware that no payments into the pension plan are being made while they are receiving Workers' Compensation payments. Employees may make arrangements to pay into the pension system during this period by contacting the Payroll Unit.

All employee benefits continue in force while an employee is on Workers' Compensation. Employees on Workers' Compensation continue to accrue vacation time and sick leave time. If their Workers' Compensation period includes July 1, they are credited with three Administrative Leave days, which must be used before the following June 30.

VII. FRINGE BENEFITS

A. Medical Insurance

Regular full-time non-represented employees, and some part-time employees, are eligible for health insurance benefits. These benefits include comprehensive health care coverage, dental coverage, vision coverage, and prescription drug coverage. New employees will be enrolled in the health care plan at the time of their hiring. Coverage becomes effective on the 15th of the month following the employee's start date. PPA pays the full premium for this insurance.

Changes in coverage resulting from a change in family structure or composition may be made at any time, but must be made within 30 days of the family change. For example, newborn babies should be added to the family's medical coverage within 30 days of their birth.

Employees receive a booklet describing the health care coverage at the time of their enrollment. Questions about health care coverage should be raised with the Personnel Department.

B. Life Insurance

Regular full-time non-represented employees are eligible for group life insurance coverage after 30 days of continuous employment. PPA pays the full premium for this insurance.

Administrative employees receive insurance coverage equivalent to 150% of their annual salary, up to a maximum of $125,000.

Federal law requires that, for employees who receive in excess of $50,000 in life insurance, the amount of premium paid by the employer for the insurance over $50,000 is taxable income to the employee. This amount is included in the W-2 forms for affected employees.

Employees receive a booklet describing the life insurance program at the time of their enrollment.

C. Disability Insurance

Regular full-time non-represented employees are eligible for disability insurance coverage after 30 days of continuous employment. PPA pays the full premium for this insurance.

Covered employees receive insurance payments equal to 67% of their weekly salary, up to a maximum of $400 per week, during the first year of a disability. Long-term coverage, beginning after the first year of a disability, is 60% of monthly salary, to a maximum of $5,000 per month.

Disability because of pregnancy and related conditions is treated the same as non-pregnancy-related disability, with the length of disability to be determined by the employee's physician.

Employees receive a booklet describing the disability coverage at the time of their enrollment.

D. Pension

All regular full-time non-represented employees are required to participate in the City of Philadelphia's Pension Program.

The employee share of the Pension Plan contribution is 3.75% of gross pay, which is withheld from each paycheck. Substantial contribution is also made by the PPA to the Pension Program on each employee's behalf.

The vesting period for the City of Philadelphia Pension Program is 10 years. If an employee leaves the Pension Program after less than 10 years, s/he must request a refund of the total amount of her/his contributions, without interest. If an employee leaves the Pension Program after 10 years or more, s/he may either withdraw the accumulated contributions or stay in the Pension Program ("vest") and receive retirement benefits.

Employees receive a booklet describing the Pension Program at the time of hiring.

E. Employee Assistance Program

The Employee Assistance Program is a confidential program set up by the PPA to offer confidential referral services for drug or alcohol abuse, gambling, medical, financial, or family problems which may be adversely affecting an employee's performance.

Emergency services are available 24 hours a day through the EAP Hot Line telephone (215-577-6755). Employees are encouraged to use this service.

F. Tuition Reimbursement

After six months of permanent full-time employment, employees are eligible for reimbursement of tuition, provided that the courses are taken at an accredited institution and are relevant to the employee's performance of her/his current position. This reimbursement is limited to an annual maximum of $1,200 and a lifetime maximum of $5,000 per employee. Special requests for review of the annual or lifetime maximum will be considered by the Executive Director.

If the employee receives a grade of "A," s/he will be reimbursed the full tuition amount for that course. If the employee receives a passing grade below "A," the reimbursement will be 90% of the tuition for that course. No reimbursement will be made if the employee fails or withdraws from the course.

G. In-Service Training

Regular full-time employees are eligible to attend professional, educational, or technical seminars or workshops to enhance their functional contribution to the PPA, provided such attendance will not adversely affect the performance of their regular duties. Such training must be approved in writing by the appropriate Deputy Executive Director; approval may include the reimbursement of expenses associated with the training.

H. Federal and State Benefit Programs

In addition to the benefits described above, PPA employees are covered by these federal and state mandated programs:

Workers' Compensation (see **Injury on Duty,** Section VI.L)
Social Security
Unemployment Insurance

For more information, contact the appropriate agency.

VIII. GENERAL PERSONNEL PROCEDURES

A. Personal Information

All employees are required to supply certain personal information to the Personnel Department at the time of their initial employment. Any changes in name, address, telephone number, emergency contact person, persons covered under insurance contracts, or beneficiaries should be promptly reported to the Personnel Department. PPA is not responsible for any loss which arises out of an employee's failure to provide this information.

B. Privacy Act Protection

All information contained in an employee's personnel file is personal and private to the employee and PPA. No information will be made available to anyone outside the PPA without a written authorization from the employee, or a court order.

All information contained in an employee's Workers' Compensation file is personal and private to the employee, the PPA and the Workers' Compensation insurance carrier. No information will be made available to anyone outside the PPA, except the insurance carrier, without a written authorization from the employee, or a court order.

Employees are entitled to view the contents of their own personnel files by making a request in advance to the Personnel Department. Inspection of personnel files must be made on the employee's own time, during regular business hours.

C. Performance Evaluations

An employee who is due to receive an increment will receive a written evaluation of her/his work, prepared by the employee's immediate supervisor, which will review the employee's performance, attendance, ability, and progress in her/his position. This evaluation must be satisfactory in order for the increment to become effective.

Non-represented employees are considered probationary for the first six months in a new position (whether newly hired or promoted to a new position). Probationary employees receive an interim evaluation at the end of their probationary period. Employees who receive an unsatisfactory probationary evaluation may be discharged.

D. Promotion

Vacancy announcements may be made from time to time, and any PPA employee may apply for such vacancies as occur. Any PPA employee who qualifies for the vacant position will be considered for the position.

E. Disciplinary Action

PPA employees are subject to disciplinary action, up to and including discharge, for failure to adhere to the rules and regulations of the PPA.

The following is a list of prohibited actions which may result in immediate discharge or disciplinary action. Other actions, not listed, may also result in discharge or disciplinary action based on a Deputy Executive Director's finding that the action is serious misconduct.

1. Reporting to work under the influence of alcohol or illegal drugs.

2. Possession of alcohol in open containers, or of illegal drugs, on PPA property or while representing the PPA.

3. Selling or attempting to sell alcohol or drugs to PPA employees or to other persons while on PPA property, or while representing the PPA.

4. Possessing a weapon on PPA property.

5. Gambling while on PPA property, or with PPA monies, or with the monies of other PPA employees.

6. Engaging in any illegal or criminal activity.

7. Theft of PPA property or monies, or theft of the personal property or monies of a PPA employee.

8. Willful or careless damage to PPA property or to the personal belongings of any PPA employee.

9. Defacing bulletin boards, walls, equipment, or other PPA property, or removing or altering properly posted notices.

10. Posting materials on, or writing on, bulletin boards, walls, or other PPA property without authorization.

11. Falsifying any PPA record, report, or information of any nature.

12. Signing in or out for another PPA employee, or punching in or out on another employee's time card.

13. Failure to sign in or out, or punch time card in or out, as required.

14. Excessive tardiness or absenteeism.

15. Leaving assigned work area without authorization during working hours.

16. Sleeping while on duty.

17. Loafing or failing to carry out work assignment.

18. Performing personal work on PPA time or with PPA equipment or materials.

19. Unsatisfactory work performance.

20. Insubordination.

21. Fighting, threatening, intimidating or coercing any PPA employee or any member of the public while representing the PPA.

22. Sexually harassing another employee or a member of the public while representing the PPA.

23. Discourtesy to the public or to fellow employees.

24. Smoking where prohibited by PPA policy.

25. Failure to wear appropriate clothing.

26. Creating or contributing to unsanitary or poor housekeeping conditions on PPA property or in PPA vehicles.

27. Operating a PPA vehicle without a valid driver's license.

28. Reckless or careless driving of PPA vehicles.

29. Improper parking on PPA property, or in other areas where such parking may result in a traffic problem.

30. Interfering with the performance of duties by PPA employees by talking or creating a distraction.

31. Using employee's position at PPA to interfere with or distort the enforcement of parking regulations or the collection of revenue.

32. Failure to observe executive orders, directives, or other work rules.

F. Grievances

Any employee who is aggrieved by a PPA action has the right to file the grievance with her/his immediate supervisor or with that supervisor's supervisor. Grievances must be filed within 10 days of the PPA action which causes the grievance. If the employee is not satisfied with the resolution of the grievance, s/he may appeal the matter to the appropriate Deputy Executive Director.

G. Separation

Regular full-time non-represented employees who are separated from PPA employment, whether because of termination, resignation, retirement, or death, are entitled to full payment for all time worked prior to separation, and to payment for up to 70 days earned vacation leave accrued by the employee. Employees will not be paid for administrative leave days, comp time, or holiday comp.

During the two weeks preceding voluntary separation, employees may not make use of their accumulated personal leave, with the exception of holiday comp.

Vacation leave will be accrued to the date of separation for employees who are leaving the PPA.

An employee who intends to resign should notify her/his supervisor in writing at least two weeks prior to the anticipated last day of work.

An employee who is retiring is entitled to payment for 30% of her/his accrued sick leave, in addition to the payments listed above. Sick leave will be accrued to the date of separation.

Upon the death of an active employee, the PPA will pay to the employee's heirs or estate all monies due, according to the following:

Named beneficiary(ies) of life insurance policy

If no life insurance beneficiary(ies), named beneficiary(ies) of pension

If no pension beneficiary(ies), employee's spouse

If no spouse, employee's child(ren), both natural and adopted

If no child(ren), executor/administrator of employee's estate, upon presentation of a short certificate showing the executor's appointment

If none of these beneficiaries exist, the money will be turned over (escheat) to the Commonwealth of Pennsylvania, under the provisions of Pennsylvania Estate Law.

It is extremely important that all employees name beneficiaries and notify the Personnel Department of changes in beneficiaries.

IX. PERSONAL CONDUCT

A. Safety

Safety in the work place benefits both the employer and the employee. All employees are responsible for following safe work practices in PPA facilities, PPA vehicles, and in public places. All equipment should be used in a safe and proper manner. An employee who notices a condition that is potentially hazardous should report it immediately to her/his supervisor, or to the Safety Department.

Employees whose work requires them to wear protective clothing will be subject to disciplinary action for failure to wear the appropriate articles.

Employees are required to keep their work areas safe, clean and orderly. All waste should be disposed of properly, and food items should not be stored in any part of a work area.

B. Vehicle Use

Employees whose work assignments include the use of PPA vehicles must adhere to the regulations listed below. An employee who does not adhere to these regulations will be subject to disciplinary action, up to and including dismissal. The listing is not intended to be exhaustive. Other actions, not listed, may also result in discipline or discharge based on a Deputy Executive Director's finding that the action is serious misconduct with regard to vehicle usage.

1. Employee must have a valid Pennsylvania driver's license.

2. Employees whose work regularly involves the use of a PPA vehicle must have a certificate of completion of a Safe Driver Education course administered by the PPA.

3. If an employee loses driving privileges, her/his immediate supervisor must be notified immediately, and the employee may not drive a PPA vehicle until proof of reinstatement of driving privileges is submitted to the supervisor.

4. PPA vehicles are for use in PPA business only, and may not be used for personal or non-PPA business, except for driving to and from home, if the employee is required to take the vehicle home.

5. PPA employees may not allow any unauthorized persons to drive any PPA vehicle.

6. If damage to a PPA vehicle is sustained while the vehicle is the responsibility of an individual PPA employee, such damage must be reported immediately, not to exceed 24 hours from the time of its occurrence. If the damage is not reported within this time period, the PPA employee responsible for the vehicle will be held personally liable for the damage.

7. PPA employees may not drive PPA vehicles if they have consumed illegal drugs, alcohol, or over-the-counter or prescribed medication which may induce sleep or drowsiness.

8. A PPA employee involved in an accident involving a PPA vehicle must report the accident immediately to her/his supervisor. The employee

may be required to attend a Safe Driving course before being permitted to continue to use the PPA vehicle.

9. A PPA employee involved in two or more accidents involving PPA vehicles within a 12-month period will not be permitted to drive a PPA vehicle unless an appropriate investigation has found that the employee was not at fault.

10. All occupants of the front seat of a PPA vehicle must wear seat belts.

11. PPA employees must obey all traffic and parking regulations.

12. PPA employees must complete the Vehicle Log Sheet which is in the vehicle.

13. Employees who receive parking tickets on PPA vehicles are responsible for such tickets, and must either pay the fines or contest the tickets. Any employee who fails to pay or contest outstanding tickets may be subject to disciplinary action.

An employee who has been found to have breached these rules may suffer the loss of the vehicle, disciplinary action, or dismissal.

An employee who is required to use her/his personal vehicle for PPA business must have prior written authorization from the appropriate Deputy Executive Director in order to be reimbursed for the expenses related to such use.

C. Dress and Appearance

All PPA employees must dress in a neat and appropriate manner. An employee who is inappropriately attired will be informed, in private, by her/his immediate supervisor and will be given the opportunity to cure the problem.

D. Solicitations

Employees may not distribute literature, sell products, or solicit other employees for money during PPA time. No outside vendors/persons are permitted on PPA property for the purpose of solicitation or sales, except in the conduct of PPA business.

E. Political Activity

An employee who publicly announces his/her candidacy for a paid partisan elective political office is required to seek a leave without pay, or to resign, at the time of such announcement.

F. Unauthorized Use of PPA Resources

Employees are reminded that their working hours are to be devoted to the business of the PPA. Employees are not to engage in political activity, personal errands, or the conduct of other non-PPA business while at work or at any PPA facility. In addition, the use of PPA equipment, vehicles, postage, personnel, or other resources for non-PPA related purposes is not permitted.

G. Statements to the Press

The Director of Public Affairs is responsible for issuing public communications about the PPA to the media, including reporters and broadcasters. Employees may be interviewed about their duties by a representative of the news media with the approval of the appropriate Deputy Executive Director or the Executive Director.

Employees are hired to perform specific duties for the PPA, and are not spokespersons for the PPA unless specifically designated as such by the appropriate Deputy Executive Director or the Executive Director. An employee who disregards this rule may be subject to disciplinary action.

H. Interaction with Public

PPA employees deal with the public and are required to treat the public courteously. Any reported behavior of unnecessary rudeness will not be tolerated, and the offending employee may be subject to disciplinary action.

I. Other Personal Conduct

PPA employees are reminded that their duty is to the assigned work of the PPA.

Personal visitors are not permitted at any PPA facility without approval of the employee's department head.

Employees are discouraged from having personal mail sent to them at PPA facilities, as it may interfere with regular business activities, and PPA will not assure its prompt and safe delivery.

Employees are cautioned not to leave valuable personal belongings in their desks or lockers.

Employees are reminded that PPA telephones are for the conduct of PPA business. Personal phone calls should be kept to a minimum. Any abuse of the telephone system may be subject to disciplinary action. Any toll charges incurred by employees for personal telephone calls must be reimbursed to the PPA.

J. Bulletin Boards

Bulletin boards are a means of communication between management and employees, and among employees. Employees are encouraged to be aware of the messages posted on bulletin boards, since these messages include job vacancies, employee activities, and personal items of interest.

An employee who uses the bulletin board for illegal or inappropriate activity may be subject to disciplinary action.

K. Smoking Policy

Smoking or carrying a lighted cigar, cigarette or pipe is strictly prohibited at all PPA facilities, except where designated, and in all PPA vehicles.

L. Employee Suggestions

PPA welcomes employee suggestions of ways to improve operations and reduce operating costs. Such suggestions should be submitted to an employee's supervisor, who will transmit the suggestion to the appropriate department head. An employee who submits a suggestion which is adopted by PPA will receive a commendation, which will be made part of the employee's personnel file.

M. Employee Social Activities

Employees are encourage to participate in PPA social activities, such as holiday parties and employee picnics.

Employees are reminded that PPA time is designated work time, and is not to be used for socializing. .

N. Contact with Vendors

PPA employees who have contact with vendors or potential vendors to the PPA must maintain a relationship which is above reproach and avoids both impropriety and the appearance of impropriety. PPA employees are not permitted to give special favors, gifts of any kind, or confidential information to any vendor or potential vendor, nor are they permitted to receive special favors or gifts from any vendor or potential vendor. Violation of this rule may result in disciplinary action against the employee.

O. Whistleblower Protection

An employee who witnesses or has evidence of wrongdoing or waste at the PPA, and who makes a good faith report of the wrongdoing or waste to one of the employee's superiors, to an agent of the PPA, or to an appropriate authority may not be discharged, threatened, or otherwise discriminated or retaliated against by any PPA agent. This protection is provided by 43 P. S. § 1422, the Whistleblower Statute.

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Virgil Addison-Eady, Complainant	:
v.	: PHRC Case No. 200302215 : EEOC No. 17FA460858
Philadelphia Parking Authority, Respondent	:

FINDINGS OF THE INVESTIGATION

PARTIES

The Complainant herein is:
Virgil Addison-Eady,
3429 Old York Road
Philadelphia, PA 19140

The Respondent herein is:
Philadelphia Parking Authority,
3101 Market St.
Philadelphia, PA 19104

INTRODUCTION

(Count 1)

In order to prove unlawful discrimination under the Pennsylvania Human Relations Act (PHRA) or the Pennsylvania Fair Educational Opportunities Act (PFEOA), an investigation must first establish a prima facie case.

This is achieved when the:

1. complainant opposed an unlawful practice or made a charge, testified or assisted in any manner in any investigation, proceeding or hearing under the PHRA or PFEOA; and
2. the alleged retaliator knew or had reason to know of the opposition or participation; and
3. an adverse action was taken against the complainant subsequent to the opposition or participation; and
4. there is a connection between the complainant's opposition or participation and the respondent's alleged decision or action.

If a prima facie case is established the respondent must articulate a legitimate, non-discriminatory reason for the adverse action.

If the respondent articulates a legitimate, non-discriminatory reason for the adverse action, the investigation must show the respondent's reason is not the true reason but, rather, a pretext for unlawful discrimination.

Unlawful discrimination is proved only when a prima facie case is established AND:

1. the respondent does not articulate a legitimate, non-discriminatory reason for the adverse action; OR
2. the investigation shows the respondent's reason is a pretext for unlawful discrimination.

FINDINGS OF FACT

(Count 1)

Discharge **Retaliation Discrimination**

1. The Complainant did oppose any practice forbidden by the Act, make a charge, testify or assist, in any manner, in any investigation, proceeding or hearing under the Act.

1.1. On or about September 16, 2002, Complainant filed a race discrimination Complaint with the PHRC against Respondent.

2. The alleged retaliator did know or have reason to know of the opposition or participation.

2.1. Mr. Richard Dickson, Director of On-Street Parking, who suspended Complainant with the intention to terminate his employment, was present at the December 19, 2002 fact- finding conference.

3. An adverse action was taken against the Complainant subsequent to the activity.

3.1. On February 26, 2003, Complainant was suspended with intent to dismiss from employment because he failed to notify the Respondent that his driver license had been suspended since May 30, 2002, and will remain suspended until January 17, 2005. A valid driver's license is a requirement for all Parking Enforcement Officers.

3.2. Documented evidence secured during this investigation shows that Complainant's suspended for driving under the influence for three years.

3.3. During a routine investigation the Respondent obtained records that shows employees and discovered that Complainant's drivers licenses has been suspended.

3.4. A step 1 hearing regarding Complainant's failure to maintain a valid drivers and notify the Respondent of his license's suspension was held on March 10 2003. A step II hearing was held on March 26, 2003, and on May 12, a step III hearing was held. Complainant's grievance was denied at all levels.

4. There is not a causal connection between the Complainant's opposition or participation and the Respondent's alleged decision or action.

4.1. On February 26, 2003, Complainant was informed that he was being suspended with the intent to terminate because he failed to inform Respondent that his driver's license had been suspended for 9 months and would remain suspended for an additional 2 years.

4.2. Documented evidence shows that Complainant had a history of violating the Respondent's work rules and policies. He was suspended on numerous occasions and was terminated and rehired back.

4.3. Complainant's allegation he had told his new supervisor, Elijah Wooden, that he could not be put on a driving beat because he did not have a current driver's license was denied by Mr. Wooden. Mr. Wooden stated that Complainant told him that he couldn't drive. Complainant was not in Mr. Wooden's squad until January 8, 2003, and only worked for about 4 days.

4.4. Complainant's allegation that other Parking Enforcement Officers at the time of hire did not have a current license and were not terminated was unfounded. Documented evidence obtained during this investigation show others employees who did notify Respondent in a timely manner about a suspended driver's license were accommodated until the driving privileges are restored.

CONCLUSIONS

(Count 1)

Discharge **Retaliation Discrimination**

A finding of No Probable Cause is recommended because the investigation did not establish a prima facie case.

APP 46

EMPLOYEE HANDBOOK

PHILADELPHIA PARKING AUTHORITY

I acknowledge receipt of this Handbook and understand that I am responsible for knowing its contents and keeping it up to date as new policies or revisions are issued.

I also understand that this Handbook does not create a contract with the Philadelphia Parking Authority and that provisions of this Handbook may be modified or eliminated at any time.

Issued to: Virgil Eady

Signed: [signature]

Date received: 12/19/2000

DEFENDANT'S EXHIBIT 5 2-28-05 SLS